

House Engrossed Senate Bill

State of Arizona  
Senate  
Forty-fifth Legislature  
Second Regular Session  
2002

CHAPTER 212

# **SENATE BILL 1051**

AN ACT

AMENDING SECTIONS 16-949 AND 16-956, ARIZONA REVISED STATUTES; RELATING TO  
CITIZENS CLEAN ELECTIONS ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Subject to the requirements of article IV, part 1, section  
3 1, subsection (6), Constitution of Arizona, section 16-949, Arizona Revised  
4 Statutes, is amended to read:

5 16-949. Caps on spending from citizens clean elections fund

6 A. The commission shall not spend, on all costs incurred under this  
7 article during a particular calendar year, more than five dollars times the  
8 number of Arizona resident personal income tax returns filed during the  
9 previous calendar year. Tax reductions and tax credits awarded to taxpayers  
10 pursuant to section 16-954, subsections A and B shall not be considered costs  
11 incurred under this article for purposes of this section. The commission may  
12 exceed this limit during a calendar year, provided that it is offset by an  
13 equal reduction of the limit during another calendar year during the same  
14 four-year period beginning January 1 immediately after a gubernatorial  
15 election.

16 B. The commission may use up to ten percent of the amount specified  
17 in subsection A of this section for reasonable and necessary expenses of  
18 administration and enforcement, including the activities specified in section  
19 16-956, SUBSECTION A, PARAGRAPHS 3 THROUGH 7 AND subsections B, AND C and  
20 D. Any portion of the ten percent not used for this purpose shall remain in  
21 the fund.

22 C. The commission shall apply ten percent of the amount specified in  
23 subsection A of this section for reasonable and necessary expenses associated  
24 with voter education, including the activities specified in section 16-956,  
25 subsection A.

26 D. The state treasurer shall administer a citizens clean election fund  
27 from which costs incurred under this article shall be paid. The auditor  
28 general shall review the monies in, payments into, and expenditures from the  
29 fund no less often than every four years.

30 Sec. 2. Subject to the requirements of article IV, part 1, section 1,  
31 subsection (6), Constitution of Arizona, section 16-956, Arizona Revised  
32 Statutes, is amended to read:

33 16-956. Voter education and enforcement duties

34 A. The commission shall:

35 1. ~~Develop, in consultation with the county recorders, a procedure for~~  
36 ~~including, with ballots mailed to electors casting early ballots pursuant to~~  
37 ~~section 16-542, subsection C and with the sample ballots mailed to other~~  
38 ~~electors pursuant to section 16-461, subsection D and section 16-510,~~  
39 ~~subsection C, PUBLISHING a document or section of a document having a space~~  
40 ~~of predefined size for a message chosen by each candidate. The board of~~  
41 ~~supervisors shall present to the commission a certified claim for the actual~~  
42 ~~extra cost of including the messages in such mailings in accordance with the~~  
43 ~~procedure developed, and the commission shall direct payment of the~~  
44 ~~authenticated claims from the fund. FOR THE DOCUMENT THAT IS MAILED BEFORE~~  
45 ~~THE PRIMARY ELECTION, THE DOCUMENT SHALL CONTAIN THE NAMES OF EVERY CANDIDATE~~

FOR EVERY STATEWIDE AND LEGISLATIVE DISTRICT OFFICE IN THAT PRIMARY ELECTION WITHOUT REGARD TO WHETHER THE CANDIDATE IS A PARTICIPATING CANDIDATE OR A NONPARTICIPATING CANDIDATE. FOR THE DOCUMENT THAT IS MAILED BEFORE THE GENERAL ELECTION, THE DOCUMENT SHALL CONTAIN THE NAMES OF EVERY CANDIDATE FOR EVERY STATEWIDE AND LEGISLATIVE DISTRICT OFFICE IN THAT GENERAL ELECTION WITHOUT REGARD TO WHETHER THE CANDIDATE IS A PARTICIPATING CANDIDATE OR A NONPARTICIPATING CANDIDATE. THE COMMISSION SHALL MAIL ONE COPY OF EACH DOCUMENT TO EVERY HOUSEHOLD THAT CONTAINS A REGISTERED VOTER. FOR THE DOCUMENT THAT IS MAILED BEFORE THE PRIMARY ELECTION, THE MAILING MAY BE MADE OVER A PERIOD OF DAYS BUT SHALL BE MAILED IN ORDER TO BE DELIVERED TO HOUSEHOLDS BEFORE THE EARLIEST DATE FOR RECEIPT BY REGISTERED VOTERS OF ANY REQUESTED EARLY BALLOTS FOR THE PRIMARY ELECTION. THE COMMISSION MAY MAIL THE SECOND DOCUMENT OVER A PERIOD OF DAYS BUT SHALL MAIL THE SECOND DOCUMENT IN ORDER TO BE DELIVERED TO HOUSEHOLDS BEFORE THE EARLIEST DATE FOR RECEIPT BY REGISTERED VOTERS OF ANY REQUESTED EARLY BALLOTS FOR THE GENERAL ELECTION. THE PRIMARY ELECTION AND GENERAL ELECTION DOCUMENTS PUBLISHED BY THE COMMISSION SHALL COMPLY WITH ALL OF THE FOLLOWING:

(a) FOR ANY CANDIDATE WHO DOES NOT SUBMIT A MESSAGE PURSUANT TO THIS PARAGRAPH, THE DOCUMENT SHALL INCLUDE WITH THE CANDIDATE'S LISTING THE WORDS "NO STATEMENT SUBMITTED".

(b) THE DOCUMENT SHALL HAVE PRINTED ON ITS COVER THE WORDS "CITIZENS CLEAN ELECTIONS COMMISSION VOTER EDUCATION GUIDE" AND THE WORDS "PRIMARY ELECTION" OR "GENERAL ELECTION" AND THE APPLICABLE YEAR. THE DOCUMENT SHALL ALSO CONTAIN AT OR NEAR THE BOTTOM OF THE DOCUMENT COVER IN TYPE THAT IS NO LARGER THAN ONE-HALF THE SIZE OF THE TYPE USED FOR "CITIZENS CLEAN ELECTIONS COMMISSION VOTER EDUCATION GUIDE" THE WORDS "PAID FOR BY THE CITIZENS CLEAN ELECTIONS FUND".

(c) IN ORDER TO PREVENT VOTER CONFUSION, THE DOCUMENT SHALL BE EASILY DISTINGUISHABLE FROM THE PUBLICITY PAMPHLET THAT IS REQUIRED TO BE PRODUCED BY THE SECRETARY OF STATE PURSUANT TO SECTION 19-123.

2. Sponsor debates among candidates, in such manner as determined by the commission. The commission shall require participating candidates to attend and participate in debates and may specify by rule penalties for nonparticipation. The commission shall invite and permit nonparticipating candidates to participate in debates.

~~8. The commission shall:~~

~~1. 3. Prescribe forms for reports, statements, notices, and other documents required by this article.~~

~~2. 4. Prepare and publish instructions setting forth methods of bookkeeping and preservation of records to facilitate compliance with this article and explaining the duties of persons and committees under this article.~~

~~3. 5. Produce a yearly report describing the commission's activities, AND any recommendations for changes of law, administration, or funding amounts, and accounting for monies in the fund.~~

1       4. 6. Adopt rules to implement the reporting requirements of section  
2 16-958, subsections D and E.

3       5. 7. Enforce the provisions of this article, ensure that money from  
4 the fund is placed in candidate campaign accounts or otherwise spent as  
5 specified in this article and not otherwise, monitor reports filed pursuant  
6 to this chapter and financial records of candidates as needed to ensure that  
7 equalization monies are paid promptly to opposing qualified candidates under  
8 section 16-952, and ensure that money required by this article to be paid  
9 to the fund is deposited in the fund.

10       6. B. The commission may subpoena witnesses, compel their attendance  
11 and testimony, administer oaths and affirmations, take evidence, and require  
12 by subpoena the production of any books, papers, records, or other items  
13 material to the performance of the commission's duties or the exercise of its  
14 powers.

15       7. C. The commission may adopt rules to carry out the purposes and  
16 provision of this article and to govern procedures of the commission.  
17 Commission rulemaking RULE MAKING is exempt from title 41, CHAPTER 6, article  
18 3, chapter 6, except that the commission shall submit the rules for  
19 publication and the secretary of state shall publish the rules in the Arizona  
20 administrative register. The commission shall propose and adopt rules in  
21 public meetings, with at least sixty days allowed for interested parties to  
22 comment after the rules are proposed.

23       8. D. Based on the results of the elections in the year 2002 or any  
24 quadrennial election thereafter, and within six months after such election,  
25 the commission may adopt rules changing the number of qualifying  
26 contributions required for any office from those listed in section 16-950,  
27 subsection D, by no more than twenty percent PER CENT of the number  
28 applicable for the preceding election.

29       Sec. 3. Requirements for enactment; three-fourths vote

30       Pursuant to article IV, part 1, section 1, subsection (6), Constitution  
31 of Arizona, this act is effective only on the affirmative vote of at least  
32 three-fourths of the members of each house of the legislature.

33       Sec. 4. Emergency

34       This act is an emergency measure that is necessary to preserve the  
35 public peace, health or safety and is operative immediately as provided by  
36 law.

APPROVED BY THE GOVERNOR MAY 15, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 15, 2002.

Passed the House May 2, 2002,

by the following vote: 50 Ayes,

8 Nays, 2 Not Voting  
*with emergency + art IV, part 1, section 1, subsection 6*

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate March 21, 2002,

by the following vote: 27 Ayes,

2 Nays, 1 Not Voting  
*with emergency + art. IV, part 1, sec. 1, sub. 6*

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

           day of           , 20  ,

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

          , 20  ,

at            o'clock            M.

            
Governor of Arizona

S.B. 1051

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this            day of           , 20  ,

at            o'clock            M.

            
Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS  
AND FINAL PASSAGE

Passed the Senate May 9, 2002

by the following vote: 24 Ayes,

3 Nays, 3 Not Voting  
With Emergency Art. IV, Part 1, Subsec. 6.  
Naclae Smith  
President of the Senate  
Chaimin Billington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

9 day of May, 2002

at 2:48 o'clock P M.

Sandra Ramirez  
Secretary to the Governor

Approved this 15 day of

May, 2002,

at 10:02 o'clock 9 M.

James V. C. Hull  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 15 day of May, 2002

at 4:39 o'clock P M.

Peter J. Dinkins  
Secretary of State

S.B. 1051